

Examiner Telephone Interview

Applicant thanks Examiner for talking with Applicant's attorney on February 25, 2008. The discussion concerned the statement in the 1/25/2008 Advisory Action indicating that there was broadening of the scope of the capsule by not limiting it to a specific material, although the 11/1/2007 Final Office Action stated that the addition of the clause did not result in a manipulative difference to the process claim 9 and that the material of the capsule is not germane to the patentability of the machine/apparatus of claim 13.

The Examiner clarified that the statement in the Advisory Action was made for clarity purposes because one may interpret the removal of the clause as broadening the scope of the claims. The Examiner added, however, that regardless of the first reason for not entering the amendments, the second reason supported non-entry of the amendments.

Applicant's attorney responded that the second reason would not be challenged at this time and that a RCE would be filed and thanked the Examiner again for the telephone interview.